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10679158 - GAU 13737

PTO/SB/21 (08-03)

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**TRANSMITTAL  
FORM**

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/679158	
	Filing Date	October 3, 2003	
	First Named Inventor	Thomas A. Russell	
	Art Unit	3739	
	Examiner Name		
Total Number of Pages in This Submission		Attorney Docket Number	50642/287729

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO/SB/08 (11 sheets) 2. 107 publications
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Michael A. Bertelson, Reg. No. 54,713
Signature	
Date	Sept. 22, 2005

**CERTIFICATE OF MAILING**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Thomas  
A. RUSSELL, et al.

SERIAL NO.: 10/679,158                      Group Art Unit: 3739

FILED: October 3, 2003                      EXAMINER:

FOR: SURGICAL POSITIONERS

ATTORNEY DOCKET NO.: 50642/287729

DATE: September 22, 2005

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Commissioner for Patents  
P. O. Box 1450  
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**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the modified Form PTO/SB/08 are cited for consideration by the Examiner. The Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003. Therefore, Applicants are not providing copies of the cited U.S. patent and U.S. patent applications at this time. Copies of the non-U.S. patent documents are submitted with this paper.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this

Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

This Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(b), before issuance of a first Office action on the merits. Applicant believes that no fee is due for submission and consideration of this paper. The Commissioner is authorized to charge any fees associated with this filing or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael A. Bertelson', written over a horizontal line.

Michael A. Bertelson

Reg. No. 54,713

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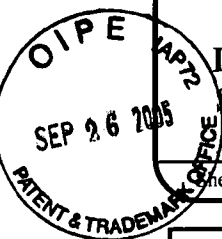
# **ADDITIONAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 11

## **Complete if Known**

Application Number	10/679,158
Filing Date	October 3, 2003
First Named Inventor	Thomas A. Russell
Art Unit	3739
Examiner Name	DAVIS, Daniel J.
Attorney Docket Number	50642/287729



## **U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
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**ADDITIONAL  
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(Use as many sheets as necessary)

Sheet 2 of 11

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Filing Date	October 3, 2003
First Named Inventor	Thomas A. Russell
Art Unit	3739
Examiner Name	DAVIS, Daniel J.
Attorney Docket Number	50642/287729

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**ADDITIONAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 3 of 11

**Complete if Known**

Application Number	10/679,158
Filing Date	October 3, 2003
First Named Inventor	Thomas A. Russell
Art Unit	3739
Examiner Name	DAVIS, Daniel J.
Attorney Docket Number	50642/287729

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First Named Inventor	Thomas A. Russell
Art Unit	3739
Examiner Name	DAVIS, Daniel J.
Attorney Docket Number	50642/287729

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Filing Date	October 3, 2003
First Named Inventor	Thomas A. Russell
Art Unit	3739
Examiner Name	DAVIS, Daniel J.
Attorney Docket Number	50642/287729

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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
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<i>Application Number</i>	<b>10/679,158</b>
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<b>Filing Date</b>	<b>October 3, 2003</b>
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<i>First Named Inventor</i>	<b>Thomas A. Russell</b>
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<i>Art Unit</i>	<b>3739</b>
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<b>Examiner Name</b>	<b>DAVIS, Daniel J.</b>
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<i>Attorney Docket Number</i>	50642/287729
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Attorney Docket Number	50642/287729

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the

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Examiner  
Signature

/Baisakhi Roy/

Date  
Considered

08/02/2009

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.R./